Special Article

Consent Essential To Unity-III

SOUTH AFRICA & INDIA—A CONTRAST

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AFTER Canada, the example of the union of South Africa can be cited as that of a British dominion which, despite its racial conflicts, was not finally denied the right to grow into a self-governing State within the orbit of the British Commonwealth of Nations. A careful study of the past events, however, will reveal that the Union of South Africa was actually demanded by the British and Dutch settlers in their own interests. Cape Colony was originally a Dutch possession and finally passed into British hands after the Napoleonic War in 1814. British immigration proved a constant source of friction with the Dutch farmers, and this finally led to the *en masse* evacuation of the Dutch population which, in due course, founded the Orange Free State and the Transvaal Republic far away in the interior. The British in the meantime had settled in Cape Colony and Natal, both of which had attained the status of responsible governments. In 1902, the two Dutch Colonies were also annexed by Great Britain and were subsequently granted responsible government. Besides these four independent Crown Colonies, British influence was also responsible for the development and exploitation of vast territories farther north. Rhodesia which was greater in area than the four colonies taken together was under a chartered company while Nyassaland and Bechuanaland were British Protectorates.

Union Desired

The Boer War had left much bitterness behind between the British and the Dutch, and it was now in the interest of Great Britain to follow a policy of appeasement towards the Dutch, On the basis of population the Dutch formed a majority of the white population in all the four Colonies combined and could have an effective voice in the centre if the four Colonies were united. Actually, they were in a majority in Transvaal and Orange Free State and held fairly their own in Cape Colony, while in Natal they commanded considerable influence. The Dutch began to feel that their entire number was under British protection, and that separately they could not improve their lot in the Colonies. Hence to protect their interests more effectively and to resist the growing interference in the internal affairs of each Colony, they desired union which could afford them far more effective protection than their separate existence under four independent colonies. They began to develop a common sentiment that they were all Africanders. The British Government on its part sought to encourage the movement for Union. It was guided in this object by some very weighty consideration. Firstly, the white population, being a minority of 10 % in the midst of native population, could not hold in check the danger of native risings or rebellions in future if it remained divided into four separate Colonies. A common front was needed to confine within proper limits the activities of natives in regard to agriculture, trade and acquisition of more lands and property. Scondly, the Dutch by being in a majority in the Union would be finally won over and reconciled and would agree to live as loyal subjects of the British Crown in a self-governing Dominion. It was also considered possible that in course of time after the Dutch and British inhabitants had fraternised as citizens of a common State, the steady flow of British immigrants would reduce the Dutch element to a minority and thus would finally secure the Dominion as a permanent home of the British people.

Advantages

The Dutch were alive to the economic advantages of a Union as well. They hoped to play their part in the exploitation of British possessions in Rhodesia and Nyassaland. The lurement of a greater Union which would enclose within its limits the whole of South Africa was too much for them to resist. Hence in their own interests they became eager advocates for Union. Transvaal and Orange Free State had already been granted responsible self-government in 1906 with a bicameral legislature. In 1908, the Colonies expressed a desire for union, as distinct from federation. They agreed to accept the status of mere provinces, with a unitary constitution at the centre. The provinces were to have legislative councils, but their right to legislation was limited by the centre. The British Government embodied this desire in the Union Act of 1909.

It will thus appear that consent was considered as an essential fre-requisite to the grant of full self-government to South Africa. The Union would have never materialised and would have been indefinitely delayed if the Dutch had not felt it in their own interest to clamour for it. Their active consent and readiness to co-operate paved the way for the Act of Union.

India's Case

India's case stands in a different footing from that of South Africa. Here the Muslims, unlike the Dutch, have no interest in a scheme of Union even under a federal constitution. In South Africa, the natives despite their numerical majority did not count, while the Dutch who formed the majority of white population were urged by a common sentiment to make their voice felt through the Union Government. The British settlers were equally desirous of union as they enjoyed the protection of Imperial Government. The Indian Muslims will neither have an effective voice in the Centre nor they can depend upon British Government for the protection of their interests. Hence separation of Muslim zones is the only possible solution to settle the communal question.

No Federation

In one important respect the example of South Africa furnishes no parallel for India. The Union Government has no true federal character. The provinces of the Union exist at the mercy of the Parliament of the Union which frequently intereferes in the Provincial field. The Provinces in reality do not enjoy responsible government of the ordinary type but are administered by administrators appointed by the Union Government, and Committees elected on the principle of proportional representation by the elective Provincial Councils. Their legislation requires the assent of the Governor-General, and their acts may at any time be overridden by Union Acts. The Provinces have no control overthe administration of Justice.

Dutch Desire

It was the desire of the Dutch which finally prevailed, that the Union Government should be stronger than its Provinces, combined. They had a long-sighted policy in view. Their ultimate goal was complete independence within or without the British Empire. A strong Union Government, in their opinion, would successfully defend their interests against encroachments from British immigrants, native tribes or Imperial Government. Hence they preferred a unitary constitution to a federal one. Individual Provinces were made entirely subordinate to the Centre and this was deliberately planned to avoid all chances of friction between the Centre and the Provinces. This step has served its purpose. The British Government can no longer interfere in the interest of a Province against the Union Government, as the Union Parliament is supreme and can override provincial legislation.

Muslim Fears

Incidentally it may be mentioned here that the Hindu majority in India, while it professes federalism, in reality desires a constitution of the Union Model. Its sole aim seems to be to make the Central Government supreme over the Provinces, to leave its sphere of activities undefined and to introduce a cabinet system of government which, on the basis of its numerical strength, may leave ultimately all power in its hands. In its desire for a unitary constitution, it has outstripped the Union Government in one important respect. In South Africa, the Upper House is represented in equal proportion by the four

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